

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEREMY HARDY,

Plaintiff,

-against-

LAW OFFICE OF COHEN & SLAMOWITZ,
LLP,

Defendant.

**VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL**

NOW COMES Plaintiff, Jeremy Hardy ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, Law Offices of Cohen & Slamowitz LLP, ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Niagara Falls, County of Niagara, New York.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a corporation having its principal place of business located in Woodbury, New York.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant is located in and conducts business in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged debt owed by Plaintiff on a HSBC credit card.

11. Defendant left a message on Plaintiff’s home answering machine, disclosing the fact of Plaintiff’s alleged debt to Plaintiff’s fiancé, Jennifer Fetter. Because of Defendant’s actions in disclosing this to Plaintiff’s fiancé, Plaintiff and his fiancé experienced relationship problems.

CLAIM FOR RELIEF

12. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a) Defendant violated §1692b(1) of the FDCPA by contacting a third party and failing to identify themselves, or failed to state that collector is confirming or

correcting location information.

b) Defendant violated §1692b(2) of the FDCPA by contacting a third party and stating that the consumer owes any debt.

c) Defendant violated §1692c(b) of the FDCPA by communicating with anyone except consumer, consumer's attorney, or credit bureau concerning the debt.

13. Plaintiff is entitled to attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: December 15, 2010

KROHN & MOSS, LTD.

By: 

Adam T. Hill

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Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Jeremy Hardy, hereby demands a jury trial in this matter.

VERIFICATION

STATE OF NEW YORK)

COUNTY OF NIAGARA)

Plaintiff, JEREMY HARDY, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JEREMY HARDY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 11/4/2010



JEREMY HARDY